

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 315

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 63-602KK, IDAHO CODE, TO ESTABLISH AND REVISE PROVISIONS RELATING TO CERTAIN PERSONAL PROPERTY BEING EXEMPT FROM TAXATION, TO REMOVE THE TRIGGER, TO PROVIDE ADDITIONAL PROCEDURES AND DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-803, IDAHO CODE, AS ADDED BY SECTION 13, CHAPTER 339, LAWS OF 2012, TO PROVIDE A CORRECT CODE CITATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO CLARIFY THAT MONEYS REMITTED TO TAXING DISTRICTS FOR PERSONAL PROPERTY TAX REPLACEMENT SHALL BE TREATED AS PROPERTY TAX REVENUES FOR CERTAIN STATUTES AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-602KK, Idaho Code, be, and the same is hereby amended to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY.

(1) (a) An item of taxable personal property purchased on or after January 1, 2013, shall be exempt from property taxation if the item of taxable personal property has an acquisition price of three thousand dollars (\$3,000) or less.

(b) For purposes of this section, the term "acquisition cost" means all costs required to put an item of taxable personal property into service and includes:

(i) The purchase price of a new or used item;

(ii) The cost of freight and shipping;

(iii) The cost of installation, engineering, erection or assembly; and

(iv) Sales and use taxes.

(c) For purposes of this subsection, an "item of taxable personal property" means equipment, machinery, furniture or other personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable personal property is not an individual component part of a piece of equipment, machinery, furniture or other personal property as a whole. An item of taxable personal property does not include an improvement to real property, a part that will become an improvement, or anything defined as a fixture.

1       (2) On and after January 1, 2009~~13~~, ~~subject to subsection (2) of this~~  
2 ~~section~~, each taxpayer's personal property, located in the county, which is  
3 not otherwise exempt ~~and which is not operating property~~, shall be exempt  
4 to the extent of one hundred thousand dollars (\$100,000). For the purposes  
5 of this section, a taxpayer includes two (2) or more individuals using the  
6 property in a common enterprise or a related group of two (2) or more organi-  
7 zations when the individuals or organizations are within a relationship de-  
8 scribed in section 267 of the Internal Revenue Code, as defined in section  
9 63-3004, Idaho Code.

10       ~~(2) This section shall not take effect on January 1, 2009, if on Septem-~~  
11 ~~ber 1, 2008, the state controller certifies that the receipts to the general~~  
12 ~~fund for the fiscal year ending June 30, 2008, have not exceeded receipts to~~  
13 ~~the general fund from the previous fiscal year by five percent (5%) or more.~~  
14 ~~This section shall take effect on January 1 of the year following the first~~  
15 ~~year when the state controller certifies to the state tax commission that re-~~  
16 ~~ceipts to the general fund for the fiscal year just ended have exceeded the~~  
17 ~~receipts to the general fund during the fiscal year 2008 by five percent (5%)~~  
18 ~~or more.~~

19       (3) (a) No later than the third Monday of November ~~of each year~~ 2013,  
20 the county clerk of each county shall certify to the state tax commis-  
21 sion the amount of exemption from property taxes under subsection (1~~2~~)  
22 of this section, in that county for that year. The certification shall  
23 identify the property receiving tax reductions, the value of the prop-  
24 erty, the property's location, the amount of the tax levy applicable to  
25 personal property in the location, and the tax before and after the ex-  
26 emption allowed in subsection (1~~2~~) of this section. The certification  
27 shall be in the form prescribed by the state tax commission and shall in-  
28 clude such additional information as the commission may require by rule  
29 as needed to implement the purpose of this section. The certification  
30 shall be reviewed and, if necessary, corrected by the state tax commis-  
31 sion.

32       (b) For the year beginning January 1, 2014, and every year thereafter,  
33 the amount of annual replacement of property tax on personal property  
34 exempted pursuant to subsection (2) of this section shall be the amount  
35 approved by the state tax commission pursuant to paragraph (a) of this  
36 subsection.

37       (4) (a) Subject to the limitations of this section, the state tax  
38 commission shall reimburse from the amount appropriated for personal  
39 property tax replacement in section 63-3638, Idaho Code, the county  
40 treasurer of each county for the reduction on the certification pro-  
41 vided in subsection (3) of this section. The county treasurer shall  
42 reimburse from the amount received to each taxing district within the  
43 county an amount in proportion to the amount of reduction shown on the  
44 certification in subsection (3) of this section as corrected. The  
45 amount that would otherwise be attributable to tax revenues derived  
46 from tax levies on personal property exempted by this section within  
47 an existing revenue allocation area as defined in section 50-2903(15),  
48 Idaho Code, shall be paid directly by the county treasurer to such pub-  
49 lic body or agency entitled thereto, equal to the amounts that would  
50 have been distributed in accordance with the formula for such distribu-

tion set forth in section 50-2908, Idaho Code. Taxing districts created on or after January 1, 2013, shall not be eligible for the reimbursement provided for in this paragraph.

(b) The state tax commission shall pay one-half (1/2) of the reimbursement provided in this section no later than December 20 of each year, and the second one-half (1/2) shall be paid by no later than June 20 of the following year. The money received by the county tax collector under the provisions of this section may be considered by counties and other taxing districts and budgeted against at the same time, and in the same manner, and in the same year as revenues from taxation. The total amount paid to the county treasurers shall not exceed the amount certified to the state tax commission under subsection (3) of this section.

(c) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received from distributions pursuant to section 63-3638, Idaho Code, as property tax replacement for the taxable value of property exempt from taxation pursuant to this section shall be treated as property tax revenues.

(5) (a) Nothing contained in this section shall affect the taxation of forest lands or forest products pursuant to chapter 17, title 63, Idaho Code, or the taxation of the net profits of mines pursuant to chapter 28, title 63, Idaho Code.

(b) The exemption from personal property tax provided for in subsection (2) of this section shall not apply to motor vehicles, recreational vehicles, aircraft and boats, which are not registered with the state of Idaho and for which required registration fees have not been paid.

(6) (a) The application for the exemption provided for in subsection (2) of this section shall be in the form prescribed by the state tax commission and shall include such information as the state tax commission may require by rule as needed to implement the purpose of this section including, but not limited to, a list of each item of personal property, the purchase date of each item of personal property, the unit cost of each item of personal property, if more than the exemption allowed in subsection (1) of this section, and the total cost of the items of personal property.

(b) The application for this exemption, if the county is capable of so providing, may be transmitted by the county assessor electronically, as that term is defined in section 63-115, Idaho Code, when requested by the taxpayer, or mailed by the county assessor to the taxpayer, or his agent or representative at the taxpayer's last known post office address, no later than March 1 of each year. The transmission or mailing of the application shall also include the taxpayer's application for the exemption allowed by this section for the last year in which the taxpayer filed an application.

(c) A taxpayer need only make application for the exemption in this section once every five (5) years, as long as all of the following conditions are met:

(a) i) The taxpayer has received the exemption during the previous year as a result of him making a valid application as defined in this section.

(bii) The amount of the exemption allowed by this section is more than the ~~maximum~~ taxable value of personal property owned by the taxpayer.

(eiii) The taxpayer has not made purchases of personal property, excluding items of taxable personal property exempted pursuant to subsection (1) of this section, that would cause the ~~aggregate~~ taxable value of the personal property owned by the taxpayer to exceed the maximum amount allowed as an exemption by this section.

~~(div) For every year the taxpayer claims the exemption, he shall sign an affidavit on a form provided by the state tax commission, reciting the averments set forth in this section. A fraudulent claim set in an affidavit~~ Knowingly failing to report changes in the taxable value of personal property that exceed the amount of the exemption allowed pursuant to subsection (2) of this section shall subject the taxpayer to a fine not in excess of ten thousand dollars (\$10,000) in addition to other penalties set forth in this chapter.

(7) Recovery of property tax exemptions allowed by this section but improperly claimed per affidavit:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed, the county assessor shall decide whether the exemption claimed should have been allowed, and if not, notify the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning on the date the assessment notice reflecting the improperly claimed exemption was required to be mailed to the taxpayer.

(c) The taxpayer may appeal to the board of tax appeals the decision by the board of county commissioners to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(d) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year. In cases of fraud, the fine set forth in subsection (6) ~~(d)~~ (iv) of this section shall be assessed for each annual affidavit filed.

(e) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(f) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(g) Thirty (30) days after the taxpayer is notified, as provided in subsection (7) (a) of this section, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in subsection (7) (h) of this section, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county commissioners' decision granting the appeal.

(h) Any unpaid recovered property taxes shall become a lien upon the taxpayer's personal property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county treasurer sent the notice to the taxpayer pursuant to this section.

(i) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

SECTION 2. That Section 63-803, Idaho Code, be, and the same is hereby amended to read as follows:

63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing district is required by law to certify to any county treasurer, county auditor, county assessor, county commissioners or to any other county officer, any property tax levy, upon property located within said district, such certification shall, notwithstanding any other provision of the law applicable to any such district, be made at the time and in the manner hereinafter provided.

(2) The county auditor shall inform each of the taxing districts within his county of the taxable value of that district as soon as such value is known to the auditor, whether the value comes from the appraisal and assessment of real and personal property, or from allocation of the taxable value of operating property, or from other sources.

(3) Using the taxable value of the district, the council, trustees, board or other governing body of any taxing district shall certify the total amount required from a property tax upon property within the district to raise the amount of money fixed by their budget as previously prepared or approved. The amount of money so determined shall be certified in dollars to the appropriate county commissioners. Any taxing unit, except regional airport authorities, located in more than one (1) county shall divide its dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total taxable value of all property in such taxing unit within the county to which such certification is to be made, and the denominator of which shall be the total taxable value of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed in section 21-807(10),

1 Idaho Code. Taxable value shall be certified by the county auditor of each  
 2 affected county to such taxing unit and such certification shall be used in  
 3 this formula. Except as provided in section 33-805, Idaho Code, relating to  
 4 school emergency fund levies, the certification to the county commissioners  
 5 required in this section shall be made not later than the Thursday prior  
 6 to the second Monday in September, unless, upon application therefor, the  
 7 county commissioners grant an extension of not more than seven (7) working  
 8 days. After receipt of this certification, the county commissioners shall  
 9 make a tax levy as a percent of taxable value of all property in the taxing  
 10 district, which, when applied to the tax rolls, will meet the budget require-  
 11 ments certified by such taxing districts.

12 (4) Except as provided in subsection (1)(a) through (f) of section  
 13 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall  
 14 mean the portion of the equalized assessed value, less any exemptions,  
 15 except the exemption for personal property in section 63-602KK(2), Idaho  
 16 Code, and the value that exceeds the value of the base assessment roll for  
 17 the portion of any taxing district within a revenue allocation area of an  
 18 urban renewal district, located within each taxing district which certifies  
 19 a budget to be raised from a property tax levy. When the county auditor is  
 20 notified of revenues sufficient to cover expenses as provided in section  
 21 50-2903(5), Idaho Code, taxable value shall also include the value that  
 22 exceeds the value of the base assessment roll for the portion of any taxing  
 23 district within a revenue allocation area. For each taxing district, tax-  
 24 able value shall include the value from the property and operating property  
 25 rolls for the current year and subsequent and missed property rolls for the  
 26 prior year or the best estimate of the subsequent and missed property rolls  
 27 for the current year.

28 SECTION 3. That Section 63-803, Idaho Code, as added by Section 13,  
 29 Chapter 339, Laws of 2012, be, and the same is hereby amended to read as fol-  
 30 lows:

31 63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing  
 32 district is required by law to certify to any county treasurer, county audi-  
 33 tor, county assessor, county commissioners or to any other county officer,  
 34 any property tax levy, upon property located within said district, such cer-  
 35 tification shall, notwithstanding any other provision of the law applicable  
 36 to any such district, be made at the time and in the manner hereinafter pro-  
 37 vided.

38 (2) The county auditor shall inform each of the taxing districts within  
 39 his county of the taxable value of that district as soon as such value is  
 40 known to the auditor, whether the value comes from the appraisal and assess-  
 41 ment of real and personal property, or from allocation of the taxable value  
 42 of operating property, or from other sources.

43 (3) Using the taxable value of the district, the council, trustees,  
 44 board or other governing body of any taxing district shall certify the total  
 45 amount required from a property tax upon property within the district to  
 46 raise the amount of money fixed by their budget as previously prepared or  
 47 approved. The amount of money so determined shall be certified in dollars  
 48 to the appropriate county commissioners. Any taxing unit, except regional  
 49 airport authorities, located in more than one (1) county shall divide its

dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total taxable value of all property in such taxing unit within the county to which such certification is to be made, and the denominator of which shall be the total taxable value of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed in section 21-807(10), Idaho Code. Taxable value shall be certified by the county auditor of each affected county to such taxing unit and such certification shall be used in this formula. Except as provided in section 33-805, Idaho Code, relating to school emergency fund levies, the certification to the county commissioners required in this section shall be made not later than the Thursday prior to the second Monday in September, unless, upon application therefor, the county commissioners grant an extension of not more than seven (7) working days. After receipt of this certification, the county commissioners shall make a tax levy as a percent of taxable value of all property in the taxing district, which, when applied to the tax rolls, will meet the budget requirements certified by such taxing districts.

(4) Except as provided in subsection (1)(a) through (e) of section 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions, except the exemption for personal property in section 63-602KK(2), Idaho Code, and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy. When the county auditor is notified of revenues sufficient to cover expenses as provided in section 50-2903(5), Idaho Code, taxable value shall also include the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area. For each taxing district, taxable value shall include the value from the property and operating property rolls for the current year and subsequent and missed property rolls for the prior year or the best estimate of the subsequent and missed property rolls for the current year.

SECTION 4. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203 and 63-3709, Idaho Code, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

1       (3) Four million eight hundred thousand dollars (\$4,800,000) per year  
 2 is continuously appropriated and shall be distributed to the water pollution  
 3 control account established by section 39-3628, Idaho Code.

4       (4) An amount equal to the sum required to be certified by the chair-  
 5 man of the Idaho housing and finance association to the state tax commis-  
 6 sion pursuant to section 67-6211, Idaho Code, in each year is continuously  
 7 appropriated and shall be paid to any capital reserve fund, established by  
 8 the Idaho housing and finance association pursuant to section 67-6211, Idaho  
 9 Code. Such amounts, if any, as may be appropriated hereunder to the capital  
 10 reserve fund of the Idaho housing and finance association shall be repaid for  
 11 distribution under the provisions of this section, subject to the provisions  
 12 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-  
 13 tion, as soon as possible, from any moneys available therefor and in excess  
 14 of the amounts which the association determines will keep it self-support-  
 15 ing.

16       (5) An amount equal to the sum required by the provisions of sections  
 17 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated  
 18 by section 63-718(3), Idaho Code, is continuously appropriated and shall be  
 19 paid as provided by sections 63-709 and 63-717, Idaho Code.

20       (6) An amount required by the provisions of chapter 53, title 33, Idaho  
 21 Code.

22       (7) An amount required by the provisions of chapter 87, title 67, Idaho  
 23 Code.

24       (8) For fiscal year 2011, and each fiscal year thereafter, four million  
 25 one hundred thousand dollars (\$4,100,000), of which two million two hundred  
 26 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four  
 27 (44) counties in equal amounts, and one million nine hundred thousand dol-  
 28 lars (\$1,900,000) of which shall be distributed to the forty-four (44) coun-  
 29 ties in the proportion that the population of the county bears to the popu-  
 30 lation of the state. For fiscal year 2012, and for each fiscal year there-  
 31 after, the amount distributed pursuant to this subsection ~~(8)~~, shall be ad-  
 32 justed annually by the state tax commission in accordance with the consumer  
 33 price index for all urban consumers (CPI-U) as published by the U.S. depart-  
 34 ment of labor, bureau of labor statistics, but in no fiscal year shall the  
 35 total amount allocated for counties under this subsection ~~(8)~~, be less than  
 36 four million one hundred thousand dollars (\$4,100,000). Each county shall  
 37 establish a special election fund to which shall be deposited all revenues  
 38 received from the distribution pursuant to this subsection ~~(8)~~. All such  
 39 revenues shall be used exclusively to defray the costs associated with con-  
 40 ducting elections as required of county clerks by the provisions of section  
 41 34-1401, Idaho Code.

42       (9) One dollar (\$1.00) on each application for certificate of title  
 43 or initial application for registration of a motor vehicle, snowmobile,  
 44 all-terrain vehicle or other vehicle processed by the county assessor or the  
 45 Idaho transportation department excepting those applications in which any  
 46 sales or use taxes due have been previously collected by a retailer, shall be  
 47 a fee for the services of the assessor of the county or the Idaho transporta-  
 48 tion department in collecting such taxes, and shall be paid into the current  
 49 expense fund of the county or state highway account established in section  
 50 40-702, Idaho Code.



1 (10) Eleven and five-tenths percent (11.5%) is continuously appropri-  
 2 ated and shall be distributed to the revenue sharing account which is created  
 3 in the state treasury, and the moneys in the revenue sharing account will be  
 4 paid in installments each calendar quarter by the state tax commission as  
 5 follows:

6 (a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the  
 7 various cities as follows:

8 (i) Fifty percent (50%) of such amount shall be paid to the vari-  
 9 ous cities, and each city shall be entitled to an amount in the pro-  
 10 portion that the population of that city bears to the population of  
 11 all cities within the state; and

12 (ii) Fifty percent (50%) of such amount shall be paid to the vari-  
 13 ous cities, and each city shall be entitled to an amount in the pro-  
 14 portion that the preceding year's market value for assessment pur-  
 15 poses for that city bears to the preceding year's market value for  
 16 assessment purposes for all cities within the state.

17 (b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the  
 18 various counties as follows:

19 (i) One million three hundred twenty thousand dollars  
 20 (\$1,320,000) annually shall be distributed one forty-fourth  
 21 (1/44) to each of the various counties; and

22 (ii) The balance of such amount shall be paid to the various coun-  
 23 ties, and each county shall be entitled to an amount in the propor-  
 24 tion that the population of that county bears to the population of  
 25 the state;

26 (c) Thirty-five and nine-tenths percent (35.9%) of the amount appro-  
 27 priated in this subsection ~~(10)~~ shall be paid to the several counties  
 28 for distribution to the cities and counties as follows:

29 (i) Each city and county which received a payment under the provi-  
 30 sions of section 63-3638(e), Idaho Code, during the fourth quarter  
 31 of calendar year 1999, shall be entitled to a like amount during  
 32 succeeding calendar quarters.

33 (ii) If the dollar amount of money available under this subsection  
 34 (10) (c) in any quarter does not equal the amount paid in the fourth  
 35 quarter of calendar year 1999, each city's and county's payment  
 36 shall be reduced proportionately.

37 (iii) If the dollar amount of money available under this subsec-  
 38 tion (10) (c) in any quarter exceeds the amount paid in the fourth  
 39 quarter of calendar year 1999, each city and county shall be en-  
 40 titled to a proportionately increased payment, but such increase  
 41 shall not exceed one hundred five percent (105%) of the total pay-  
 42 ment made in the fourth quarter of calendar year 1999.

43 (iv) If the dollar amount of money available under this subsection  
 44 (10) (c) in any quarter exceeds one hundred five percent (105%) of  
 45 the total payment made in the fourth quarter of calendar year 1999,  
 46 any amount over and above such one hundred five percent (105%)  
 47 shall be paid fifty percent (50%) to the various cities in the pro-  
 48 portion that the population of the city bears to the population of  
 49 all cities within the state, and fifty percent (50%) to the various

1 counties in the proportion that the population of a county bears to  
 2 the population of the state; and

3 (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in  
 4 this subsection ~~(10)~~ shall be paid to the several counties for distribu-  
 5 tion to special purpose taxing districts as follows:

6 (i) Each such district which received a payment under the provi-  
 7 sions of section 63-3638(e), Idaho Code, during the fourth quarter  
 8 of calendar year 1999, shall be entitled to a like amount during  
 9 succeeding calendar quarters.

10 (ii) If the dollar amount of money available under this subsec-  
 11 tion (10) (d) in any quarter does not equal the amount paid in the  
 12 fourth quarter of calendar year 1999, each special purpose taxing  
 13 district's payment shall be reduced proportionately.

14 (iii) If the dollar amount of money available under this subsec-  
 15 tion (10) (d) in any quarter exceeds the amount distributed under  
 16 paragraph (i) of this subsection (10) (d), each special purpose  
 17 taxing district shall be entitled to a share of the excess based on  
 18 the proportion each such district's current property tax budget  
 19 bears to the sum of the current property tax budgets of all such  
 20 districts in the state. The state tax commission shall calculate  
 21 district current property tax budgets to include any unrecovered  
 22 foregone amounts as determined under section 63-802(1) (e), Idaho  
 23 Code. When a special purpose taxing district is situated in more  
 24 than one (1) county, the state tax commission shall determine the  
 25 portion attributable to the special purpose taxing district from  
 26 each county in which it is situated.

27 (iv) If special purpose taxing districts are consolidated, the  
 28 resulting district is entitled to a base amount equal to the sum of  
 29 the base amounts which were received in the last calendar quarter  
 30 by each district prior to the consolidation.

31 (v) If a special purpose taxing district is dissolved or disin-  
 32 corporated, the state tax commission shall continuously distrib-  
 33 ute to the board of county commissioners an amount equal to the  
 34 last quarter's distribution prior to dissolution or disincorpora-  
 35 tion. The board of county commissioners shall determine any re-  
 36 distribution of moneys so received.

37 (vi) Taxing districts formed after January 1, 2001, are not enti-  
 38 tled to a payment under the provisions of this subsection (10) (d).

39 (vii) For purposes of this subsection (10) (d), a special purpose  
 40 taxing district is any taxing district which is not a city, a  
 41 county or a school district.

42 (11) Amounts calculated in accordance with section 2, chapter 356, laws  
 43 of 2001, for annual distribution to counties and other taxing districts be-  
 44 ginning in October 2001 for replacement of property tax on farm machinery and  
 45 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool  
 46 districts, the state tax commission shall distribute one-fourth (1/4) of  
 47 this amount certified quarterly to each county. For school districts, the  
 48 state tax commission shall distribute one-fourth (1/4) of the amount certi-  
 49 fied quarterly to each school district. For nonschool districts, the county  
 50 auditor shall distribute to each district within thirty (30) calendar days

from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (4~~2~~) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues.

(14) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2 and 4 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2013. Section 3 of this act shall be in full force and effect on and after July 1, 2017.